

Lois M. Lewis

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July 18, 2007

Clerk of Court
United States District Court
District of Massachusetts
John Joseph Moakley Federal Courthouse
One Courthouse Way Suite 2300
Boston, MA 02210

Re: Michael DuPont, Petitioner v. David Nolan, Respondent
Civil No. 04-11431-GAO

Dear Mr. Lyness:

Please find attached to this letter the indictment for armed robbery, Mass. Gen. L. ch. 265 § 17. The Court requested a copy at the hearing on the merits of the application for a petition of habeas corpus July 16, 2007. I have also attached the case summary from the Middlesex Superior Court.

The indictment is consistent with the standard statutory form as set forth in Mass. Gen. L. ch. 277 § 79, Application of annexed forms; schedule:

Robbery. (Under Chap. 265, Sec. 19.)--That A.B. did assault C.D. with intent to rob him, and thereby did rob and steal from the person of said C.D. (mention the property) of the property of said C.D.

This statutory indictment form for a robbery indictment itself omits the element of custody status.

Thank you.

Sincerely,

Lois M. Lewis